

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3

4 BERNARDO MENDIA,

No. C 10-03910 MEJ

5 Plaintiff,

v.

**ORDER RE: NOTICE OF INTENT TO
SUBSTITUTE IN COUNSEL**

6 JOHN M. GARCIA, et al.,

Re: Docket No. 44

7 Defendants.

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9

10 On January 13, 2012, Plaintiff Bernardo MENDIA filed a Notice that he intends to substitute in
11 counsel by the morning of the hearing on Defendants' pending motion to dismiss. Dkt. No. 44.
12 Plaintiff's intention with this filing is unclear. However, what is clear is that Defendants' motion
13 has been pending for over two months, the Court has already issued four orders to show cause for
14 Plaintiff's failure to comply with court orders and deadlines (the most recent in response to his
15 failure to oppose Defendants' pending motion to dismiss), and Plaintiff has repeatedly (dating back
16 to October 2010) stated his intention to have counsel appear to represent him in this case. Dkt. Nos.
17 8, 9, 37, 44. The Court cannot permit any further delay. Accordingly, the Court ORDERS Plaintiff
18 to file either (a) a Notice of Substitution of Counsel, signed by an attorney that is admitted to
19 practice in this Court, or (b) a Notice of Intent to Substitute in as Counsel of Record, along with a
20 signature and explanation from an attorney that is admitted to practice in this Court as to why the
21 attorney is not yet able to appear in this case. The notice shall be filed by January 31, 2012, and
22 shall be signed in compliance with Federal Rule of Civil Procedure 11 and under penalty of perjury.
23 If Plaintiff files a notice signed by an attorney by the January 31 deadline, the Court may consider
24 continuing the motion to dismiss hearing if it appears that further briefing would be beneficial.

25 **IT IS SO ORDERED.**

26

27 Dated: January 19, 2012

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Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

4 BERNARDO MENDIA,
5 Plaintiff,
6 v.

Case Number: CV10-03910 MEJ

CERTIFICATE OF SERVICE

7 JOHN M. GARCIA et al,
8 Defendant.

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on January 19, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

15 Bernardo Mendia
16 P.O. Box 28032
 Oakland, CA 94604

Dated: January 19, 2012

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk